

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-40113-FDS

ELIZABETH R. STEFFENBERG,)	(Christine S. Collins BBO#639293)
)	
Plaintiff,)	
v.)	
)	
T. GENE GILMAN, STEVEN GILMAN, THE)	
GILMAN INSURANCE AGENCY, INC.,)	
DAVID M. SCOLL, ARBOR SECURITIES, LTD.,)	
ALLIANCE INVESTMENT MANAGEMENT,)	
COMMONWEALTH FINANCIAL HOLDINGS)	
INC., FINANCIAL LINKS, INC., T. GILMAN &)	
CO., LTD., AVIVA LIFE INSURANCE)	
COMPANY OF AMERICA, TRADETEK, LTD.,)	
and TRADETEK, LLC,)	
)	
Defendants.)	

PLAINTIFF'S REQUEST FOR DEFAULT FOR FAILURE TO ANSWER

Pursuant to Fed.R.Civ.P. 55(a) and 81(c), Plaintiff, Elizabeth R. Steffenberg ("Mrs. Steffenberg"), hereby requests that Defendants, T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., Financial Links, Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC, be defaulted in the above-captioned matter for their failure to answer the Complaint or otherwise defend in this action. In support of this Request, Mrs. Steffenberg states as follows:

1. Mrs. Steffenberg initiated this action against The Gilman Insurance Agency, Inc. in Worcester Superior Court on or about December 31, 2003. (See Affidavit of Christine S. Collins, Esq. ("Collins Aff."), at ¶ 3.)

2. The Agency, Inc. was served with a copy of the Summons and Complaint on January 30, 2004. (See Collins Aff. at ¶ 4.)

3. On or about March 19, 2004, Defendants, T. Gene Gilman, Steven Gilman, The Agency, Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC were served with a copy of the First Amended Verified Complaint. Defendant Financial Links, Inc. was served with a copy of the First Amended Verified Complaint on March 24, 2004. (See Collins Aff. at ¶ 5.)

4. On or about April 23, 2004, Defendants, T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., Financial Links, Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC were served with a copy of the Second Amended Verified Complaint. (See Collins Aff. at ¶ 6.)

5. On or about June 14, 2004, Defendant, Aviva Life Insurance Company of America, removed this action to United States District Court for the Central District of Massachusetts, Civil Action No. 04-40113-FDS. (See Collins Aff. at ¶ 7.)

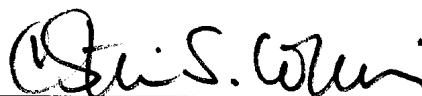
6. Fed.R.Civ.P. Rule 81(c) provides that “[i]n a removed action in which the defendant has not answered, the defendant shall answer or present the other defenses or objections available under these Rules within twenty days after the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within twenty days after the service of summons upon such initial pleading, then filed, or within five days after the filing of the petitions for removal, whichever period is longest.” Pursuant to Rule 81(c), Defendants’ Answers to the Second Amended Complaint was due on or about June 21, 2004.

7. To date, Defendants T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., Financial Links, Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC have served no answer or other responsive pleading in the Worcester Superior Court, the United States District Court, or otherwise served upon Mrs. Steffenberg or her counsel. (See Collins Aff. at ¶ 8.)

8. This Request is further supported by the Affidavit of Christine S. Collins, Esquire, filed contemporaneously herewith.

WHEREFORE, Plaintiff, Elizabeth R. Steffenberg, respectfully requests that Defendants, T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., Financial Links, Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC be defaulted for failure to answer the Complaints or otherwise defend in this action.

Respectfully submitted,
ELIZABETH R. STEFFENBERG,
By Her Attorneys,

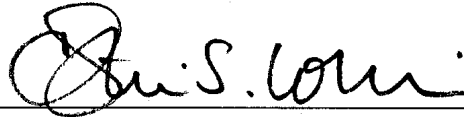


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Dated: December 3, 2004

CERTIFICATE OF SERVICE

I, Christine S. Collins, hereby certify that I have this 3rd day of December, 2004 served the foregoing by mailing a copy thereof, first class mail, postage prepaid, to counsel and all parties of record.

A handwritten signature in black ink, appearing to read "Christine S. Collins", written over a horizontal line.

Christine S. Collins

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COMPANY OF AMERICA, TRADETEK, LTD.,)	
and TRADETEK, LLC,)	
)	
Defendants.)	

AFFIDAVIT OF CHRISTINE S. COLLINS, ESQUIRE

I, Christine S. Collins, Esquire, on oath, do hereby depose and state that I have personal knowledge of the following facts, except where stated on information and belief, which facts I believe to be true.

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts.
2. I am counsel of record for Plaintiff, Elizabeth R. Steffenberg ("Mrs. Steffenberg"), in the above captioned action.
3. Mrs. Steffenberg initiated this action against The Gilman Insurance Agency, Inc. in Worcester Superior Court on or about December 31, 2003.
4. The Gilman Insurance Agency, Inc. was served with a copy of the Summons and Complaint on January 30, 2004.

5. Defendants T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC were served with a copy of the First Amended Verified Complaint on March 19, 2004. Defendant Financial Links, Inc. was served with a copy of the First Amended Complaint on March 24, 2004. Attached hereto as Exhibit A are true and accurate copies of the Summonses demonstrating proof of service on each of the Defendants.

6. On or about April 23, 2004, Defendants, T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., Financial Links, Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC were served with a copy of the Second Amended Verified Complaint.

7. On or about June 14, 2004, Defendant Aviva Life Insurance Company of America removed this action to United States District Court for the Central District of Massachusetts, Civil Action No. 04-40113-FDS. Attached hereto as Exhibit B is a true and accurate copy of the Notice of Removal filed on or about June 14, 2004.

8. To date, Defendants, T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc., Financial Links, Inc., T. Gilman & Co., Ltd., Tradetek, Ltd. and Tradetek, LLC have filed no answer or other responsive pleading in the Worcester Superior Court, the United States District Court or otherwise served upon Mrs. Steffenberg or her counsel.

Signed under the pains and penalties of perjury this 3rd day of December, 2004.


Christine S. Collins, Esquire